

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

STEPHEN A. SMITH,

Plaintiff,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

Case No. 1:22-cv-01032-JLT-SAB

ORDER RE: STIPULATED MOTION TO
STRIKE ECF DOCS. 13 AND 19 FROM
THE RECORD

(ECF Nos. 13, 19, 28)

This action was filed on August 16, 2022. (ECF No. 1.) Prior to counsel for the United States appearing in this action, Plaintiff filed two requests to file a document under seal with the Court, limiting access thereto to the parties, their counsel, and the Court. (See ECF Nos. 11, 15, 16, 17, 18.) The Court granted Plaintiff's requests and ordered pages 6–48 of “Exhibit C” to the complaint (consisting of the Sharleen G. Robson and Robert W. Robson’s (collectively, the “Robsons”) “As Amended 2015 U.S. Individual Income Tax Return (Form 1040)”) and pages 2–43 of “Exhibit A” to the declaration of Plaintiff Stephen A. Smith in support of request to file documents under seal (ECF No. 17) (consisting of a duplicate of the Robsons’ “As Amended 2015 U.S. Individual Income Tax Return (Form 1040)” attached as pages 6–48 of Exhibit C) sealed until further order of the Court. (See ECF Nos. 12, 15 (orders previously granting Plaintiff's requests to seal documents).) The sealed document appears at ECF Nos. 13 and 19.

On January 4, 2023, the parties filed a stipulated motion to strike the sealed documents from the record. The parties proffer that, since Defendant United States appeared in this action, the parties have engaged in meet and confer efforts regarding how to handle the sealed documents. Plaintiff maintains the documents should remain sealed without redaction, whereas Defendant United States maintains the documents should be unsealed and available on the public

1 record. At this time, the parties proffer that, rather than incurring additional expenses and
2 expending the Court's resources with law and motion practice on the matter, the at-issue sealed
3 documents should be stricken from the record. The court finds good cause to grant the parties'
4 stipulated request.

5 Accordingly, pursuant to the stipulation of the parties and good cause appearing, IT IS
6 HEREBY ORDERED that:

- 7 1. The parties' stipulated motion to strike the sealed documents appearing at ECF
8 Nos. 13 and 19 from the record (ECF No. 28) is GRANTED;
- 9 2. The sealed documents appearing at ECF Nos. 13 and 19 are STRICKEN from the
10 record, subject to the conditions stated within the parties' stipulated motion;
- 11 3. The striking of the documents filed at ECF Nos. 13 and 19 from the record at this
12 time does not in any way affect the completeness, sufficiency, and/or validity of,
13 or otherwise affect, any of Plaintiff's pleadings or other filings in this case, or
14 preclude either party from introducing the documents filed at ECF Nos. 13 and 19
15 into evidence or otherwise using these documents in this case at a later time;
- 16 4. The striking of the documents filed at ECF Nos. 13 and 19 from the record at this
17 time is not intended to affect or alter, and should not be construed as affecting
18 and/or altering, either: (i) Plaintiff's position that sealing the documents filed at
19 ECF Nos. 13 and 19 is necessary to preserve the confidentiality of the confidential
20 personal information and the confidential business information of or relating to
21 the Robsons' vertically-integrated farming, processing, and marketing businesses
22 (both as sole proprietors and as partners in various vertically-integrated farming,
23 processing, and marketing partnerships), that is not in the public domain and
24 includes trade secrets of the Robsons and their closely-held businesses contained
25 therein, and therefore authorized and appropriate under the authorities cited by
26 Plaintiff in ECF Nos. 11, 15, 16, 17, and 18, and the orders previously granting
27 Plaintiff's requests to seal documents (ECF Nos. 12, 15); or (ii) Defendant United
28 States' position that the documents at ECF Nos. 13 and 19 should be unsealed and

1 available on the public record (with appropriate redactions in compliance with
2 Federal Rule of Civil Procedure 5.2) under the authorities cited by Defendant
3 United States in the stipulated motion to strike;

4 5. If either party desires to introduce the documents filed at ECF Nos. 13 and 19 into
5 evidence or otherwise to use these documents in this case at a later time, then
6 Plaintiff has the right to request that the Court either seal these documents, and/or
7 enter such protective or other orders as Plaintiff deems necessary or appropriate
8 under the circumstances; and

9 6. The parties will meet and confer regarding whether the parties anticipate a need
10 for a protective order on the discovery information relating to a trade secret or
11 other confidential information, research, development, or commercial information
12 (see ECF No. 5 at 4).

13
14 IT IS SO ORDERED.

15 Dated: **January 5, 2023**


UNITED STATES MAGISTRATE JUDGE